

DEC. 22. 2004 2:35PM

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NO. 870 P. 1

17

BEYER WEAVER & THOMAS, LLP

INTELLECTUAL PROPERTY LAW
2030 Addison Street, Seventh Floor, Berkeley, CA 94704
Telephone: (510) 843-6200 Facsimile: (510) 843-6203
www.beyerlaw.com

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FACSIMILE COVER SHEET

December 22, 2004

Receiver: EXAMINER Johnson (USPTO Central Fax)

FAX #: 703-872-9306

Sender: Haruo Yawata
Our Ref. No.: CISC100

Application No: 09/276,917

Re: Request to Withdraw Notice of Abandonment and
Second Request for Reconsideration
Request for Reconsideration dated July 8, 2004 and
Facsimile journal

Pages Including Cover Sheet(s): 09

MESSAGE:

CONFIDENTIALITY NOTE

The information contained in this facsimile (FAX) message is legally privileged and confidential information intended only for the use of the receiver or firm named above. If the reader of this message is not the intended receiver, you are hereby notified that any dissemination, distribution or copying of this FAX is strictly prohibited. If you have received this FAX in error, please immediately notify the sender at the telephone number provided above and return the original message to the sender at the address above via the United States Postal Service. Thank you.

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NO. 870 P. 2

DEC 22 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Chandran, et al.

Attorney Docket No.: CISC100/1156

Application No.: 09/276,917

Examiner: NGUYEN, DUSTIN

Filed: March 26, 1999

Group: 2155

Title: NETWORK TRAFFIC SHAPING USING
TIME-BASED QUEUES

CERTIFICATE OF FACSIMILE TRANSMISSION:

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Commissioner for Patents, Attn: Brian L. Johnson, Special Programs Examiner, Fax No. 703-872-9306, Alexandria, VA 22313-1450 on December 22, 2004.

Signed: 

Joyce L. Ferreira

REQUEST TO RESCIND NOTICE OF ABANDONEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's hereby request the Notice of Abandonment issued in the above-identified application be withdrawn in view of the fact that Applicant's timely filed a Request for Reconsideration to the Dismissed Decision on Petition. According to the most recent PAIR information, Applicant's Petition was entered as of October 14, 2003 and a decision to that Petition was mailed on June 29, 2004. Upon receipt of the Decision on Petition (indicating Dismissal), Applicant's filed a Request for Reconsideration by facsimile on July 8, 2004. A facsimile journal confirming receipt of the items by the U.S. Patent Office is enclosed for your review.

Please find attached for your review a copy of the Request for Reconsideration originally faxed on July 8, 2004, together with the facsimile journal confirming receipt by the U.S. Patent Office.

SECOND REQUEST FOR RECONSIDERATION
IN RESPONSE TO DECISION ON PETITION TO ACCEPT
CORRESPONDENCE AS TIMELY FILED - 37 CFR § 1.8(b)

Application No. 09/276,917
Atty Docket No. CISC110/1156

This is in response to the DECISION ON PETITION TO ACCEPT CORRESPONDENCE AS TIMELY FILED UNDER 37 CFR § 1.8 dated June 29, 2004. The petitioners respectfully request further review of the decision. Specifically, the petitioners herein affirm that the Office was notified promptly after the petitioners became aware that the Office had no record of the correspondence (item 1 indicated in the above-identified decision).

Applicants' Representative filed a Request to Have Correspondence Deemed to have been Timely Filed promptly after discovering that the PTO did not acknowledge receipt of the Amendment filed on April 17, 2003, which was in response to the Office of Action issued on January 28, 2003. The Request was filed not more than two weeks after Applicants' Representative confirmed that the PTO did not receive the Amendment. It is believed that the error was discovered the week of October 10, 2003, during which the petitioners checked the file and became aware that the PTO did not return the postcard enclosed with the Amendment. The petitioners subsequently checked PAIR for evidence as to whether or not the PTO received the prior reply.

Since all the three items pointed out in the above-identified decision have now been provided, it is respectfully requested that the Amendment filed on April 17, 2003 be considered timely filed. Should any fees be due to facilitate the filing of the attached documents, they may be charged to Deposit Account No. 50-0388 (Order No: CISC100).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Haruo Yawata

Limited Recognition under 37 C.F.R. §10.9(b)

P.O. Box 70250
Oakland, CA 94612-0250

Application No. 09/276,917
Atty Docket No. CISC110/1156

✓
REFERENCE COPY**Auto-Reply Facsimile Transmission****TO:**

Fax Sender at 15108436203

Fax Information**Date Received:**

7/8/2004 8:03:32 PM [Eastern Daylight Time]

Total Pages:

4 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

LL 8/2004 5:05PM	SET LL 76646.EV	NO. 754
TO: SP7 (REVERA)		
BEYER WEAVER & THOMAS, LLP INTELLECTUAL PROPERTY LAW 2009 Addison Street, Seventh Floor, Berkeley, CA 94704 Telephone: (510) 543-4280 Facsimile: (510) 543-4200 www.bwt-law.com		
FACSIMILE COVER SHEET		
July 8, 2004		
Receiver:	EXAMINER NGUYEN (USPTO Central Fax)	
FAX#:	703-872-9305	
Sender:	Hans Yawata	
Opp. Ref. No.:	CISCPI09	
Application No.:	09/276,917	
Re:	Request for Reconsideration	
Pages Including Cover Sheet(s): 04		
MESSAGE		
<p style="text-align: center;">CONFIDENTIALITY NOTICE</p> <p>The information contained in this facsimile (FAX) message is highly privileged and confidential information intended only for the use of the receiver or firm named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this FAX is strictly prohibited. If you have received this FAX in error, please immediately notify the sender at the telephone number provided above and return the original message to the sender or the addressee above via the United States Postal Service. Thank you.</p>		
PAGE 01 * RCVD AT 7/8/2004 5:02:27 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-01 * DNS:8729306 * CSID:5106630920 * DURATION (mm:ss):02:22		

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COMMUNICATION RESULT REPORT (JUL. 8. 2004 5:06PM) * * *

TTI BWT LLP (BERKELEY)

TRANSMITTED/STORED: JUL. 8. 2004 5:05PM

FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
784	MEMORY TX	USPTO (GENERAL)	OK	4/4

REASON FOR ERROR
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E-3) NO ANSWER

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FACSIMILE COVER SHEET

July 8, 2004

Receiver: EXAMINER NGUYEN (USPTO Central Fax)

FAX #: 703-872-9306

Sender: Haruo Yawata
Our Ref. No.: CISC100

REFERENCE COPY

BEYER WEAVER & THOMAS, LLP

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FACSIMILE COVER SHEET

July 8, 2004

Receiver: EXAMINER NGUYEN (USPTO Central Fax)**FAX #: 703-872-9306****Sender: Haruo Yawata**
Our Ref. No.: CISCPI00**Application No: 09/276,917****Re: Request for Reconsideration****Pages Including Cover Sheet(s): 04****MESSAGE:****CONFIDENTIALITY NOTE**

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REFERENCE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**PATENT**

In re application of: Chandran, et al.

Attorney Docket No.: CISC100/1156

Application No.: 09/276,917

Examiner: NGUYEN, DUSTIN

Filed: March 26, 1999

Group: 2155

Title: NETWORK TRAFFIC SHAPING USING
TIME-BASED QUEUES**CERTIFICATE OF FACSIMILE TRANSMISSION:**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Commissioner for Patents, Attn: Brian L. Johnson, Special Program Examiner, Fax No. 703-872-9306, Alexandria, VA 22314-1450 on July 8, 2004.

Signed: 
Joyce L. Ferreira**REQUEST FOR RECONSIDERATION****IN RESPONSE TO DECISION ON PETITION TO ACCEPT
CORRESPONDENCE AS TIMELY FILED - 37 CFR § 1.8(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Application No. 09/276,917
Atty Docket No. CISC110/1156

REFERENCE COPY

Amendment. The petitioners subsequently checked PAIR for evidence as to whether or not the PTO received the prior reply.

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Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Haruo Yawata

Limited Recognition under 37 C.F.R. §10.9(b)

P.O. Box 778
Berkeley, CA 94704-0778

Application No. 09/276,917
Atty Docket No. CISC110/1156

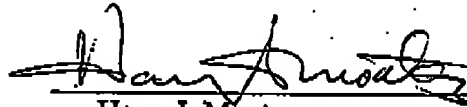
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Mr. Haruo Yawata is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Beyer Weaver & Thomas, LLP to prepare and prosecute patent applications wherein the patent applicant is the client of Beyer Weaver & Thomas, LLP, and the attorney or agent of record in the applications is a registered practitioner who is a member of Beyer Weaver & Thomas, LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Mr. Haruo Yawata ceases to lawfully reside in the United States, (ii) Mr. Haruo Yawata's employment with Beyer Weaver & Thomas, LLP ceases or is terminated, or (iii) Mr. Haruo Yawata ceases to remain or reside in the United States on an H-1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: January 2, 2007



Harry I. Moatz
Director of Enrollment and Discipline